

DECISION AND ORDER

Decision Issue Date Monday, May 31, 2021

PROCEEDING COMMENCED UNDER Section 45(12), subsection 45(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act")

Appellant(s): ZAMAL HOSSAIN

Applicant(s): ARC DESIGN GROUP DEVELOPMENT SERVICES INC

Property Address/Description: 68 SUNNYPOINT CRES

Committee of Adjustment File

Number(s): 20 111903 ESC 20 MV

TLAB Case File Number(s): 20 200787 S45 20 TLAB

Last submission date: May 17, 2021

DECISION DELIVERED BY JOHN TASSIOPOULOS

APPEARANCES

Name	Role	Representative
ARC Design Group Development Services Inc.	Applicant	
Zamal Hossain	Owner/Appellant	Amber Stewart
City of Toronto	Party	Marc Hardiejowski
Janice Lanigan	Party	
Alan Burt	Party	
Susannah Cheung	Party	
James Musselman	Party	

**Decision of Toronto Local Appeal Body Panel Member: J. TASSIOPOULOS
TLAB Case File Number: 20 200787 S45 20 TLAB**

Name	Role	Representative
Alan Young	Expert Witness	
Jonathan Benczkowski	Expert Witness	
Vera Iwanow	Participant	
Doug Colby	Participant	
Wendy Hooker	Participant	
Roman Sokolowski	Participant	
Ann Grosse	Participant	
Sharon Sinclair	Participant	
Dave Allen	Participant	
Maura Kirby	Participant	
Martin Zielinski	Participant	
Donna Davis	Participant	
Aaron Rinzler	Participant	
Paul Wilson	Participant	
Kimberly Fawcett	Participant	
Amanda Thomas	Participant	
Grace Trentadue	Participant	
Peter Hogg	Participant	
Ron Jones	Participant	
Justin Craig	Participant	
Eddison Shoon	Participant	
Ross Webster	Participant	
Cheryl Carr	Participant	
Tom Kasanda	Participant	
Natasha Taylor	Participant	

**Decision of Toronto Local Appeal Body Panel Member: J. TASSIOPOULOS
TLAB Case File Number: 20 200787 S45 20 TLAB**

Paul Steinberg	Participant	
Ethel McAuley	Participant	
Name	Role	Representative
Brook Stoiko	Participant	
Marcia Vandebossche	Participant	
Leah Sokolowski	Participant	
Matthew DeBeaupre	Participant	
Gary McAuley	Participant	
Anthony Lombardi	Participant	
Isabel Barclay	Participant	
Marilyn Macleod	Participant	
Dianne Riccio	Participant	

INTRODUCTION & BACKGROUND

This is a decision regarding Mr. Paul Steinberg's written Motion to change his role in the Hearing from election of Participant to Party status. The original Hearing date of April 28, 2021 was adjourned in order to allow the Parties and Participants to discuss revisions to the proposal that could potentially result in a resolution of some or all of the issues and a possible settlement regarding this matter. The Hearing is scheduled to reconvene on June 4, 2021 with respect to the appeal of the Committee of Adjustment (COA) September 23, 2020 refusal of the requested variances to construct a new three storey residential dwelling at 68 Sunnypoint Crescent.

Prior to the adjournment of the April 28, 2021 meeting both Mr. Tom Kasanda, President of the Cliffcrest Scarborough Village SW Residence Association, and Mr. Paul Steinberg indicated that Mr. Steinberg would be speaking on behalf of other Participants and neighbours regarding this matter as there were numerous Participants listed for the Hearing and having him represent some of the many participants would allow for a more efficient and timely approach regarding the Hearing process.

MATTERS IN ISSUE

There are no matters at issue regarding the request to change roles from Participant to Party unless there is an objection to the Motion made by Mr. Steinberg.

JURISDICTION

The TLAB may hear Motions by way of written submissions, in accordance with Rule 17.5 of the Rules of Practice and Procedure. The TLAB may consider Motions relinquishing status as a Participant and who wish to be a Party in accordance with Rules 12.1 through 12.6, inclusive and, 13.6.the TLAB Rules of Practice and Procedure.

ANALYSIS, FINDINGS, REASONS

Mr. Steinberg has filed a Notice of Motion (Form 7), dated May 3, 2021, requesting that his status with respect to the Hearing be changed from Participant to Party. The Motion was circulated, and no reply was received from the Parties and Participants objecting to this request by the Toronto Local Appeal Body (TLAB). Furthermore, at the adjourned April 28, 2021, Hearing date Mr. Steinberg indicated that he would representing numerous Participants.

Given that no objections have been raised by the other Parties to the matter and that Mr. Steinberg expressed an interest in changing his status at the previous Hearing date, I find that the Motion and his request be accepted and I, therefore, grant the subject Motion.

The only outstanding item regarding this request is the notarization of his affidavit. Mr. Steinberg has been contacted by TLAB staff and has indicated that he will address this omission in the week of May 31, 2021.

DECISION AND ORDER

The Motion is granted and Mr. Steinberg's status in the Hearing will be changed from Participant to Party, in this matter.

Mr. Steinberg is to ensure that the Affidavit (Form 10), that he submitted with the Motion, be sworn before a Commissioner, and that it be submitted to the TLAB by no later than June 4, 2021, or earlier where possible.

X

J. Tassiopoulos
Panel Chair, Toronto Local Appeal Body